

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Richard W. Trevino et al.

Application No. 10/039,070

Filed: December 31, 2001

For: TREADMILL

Confirmation No.: 9205

Art Unit: 3764

Examiner: Richman, Glenn E.

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
(Under 37 C.F.R. § 1.97(b)(4) and § 1.98)) AND
STATEMENT OF RELATEDNESS (Under M.P.E.P. § 2001.06(b))**

Sir:

The Examiner is requested to consider the references noted on the enclosed Form PTO/SB/08A during examination of the above-identified patent application. The references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting the references, no representation is made or implied that the references are or are not material to the examination of the application in accordance with 37 C.F.R. 1.97(h). The Examiner is requested to review all cited references and is encouraged to make his or her own determination of materiality of all cited references on attached Form PTO/SB/08A. Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of the U.S. patent references are not provided, unless required by the Office. Copies of the foreign patent documents are provided herewith.

The following foreign references are not in the English language:

- (1) DE 40 03 871 A1;
- (2) DE 41 00 066 A1; and
- (3) DE 43 37 874 A1.

Therefore, in compliance with 37 C.F.R. § 1.98(a)(3)(i), an English translation of the Abstract (from Derwent at esp@cenet Database – Worldwide located at

<http://ep.espacenet.com>), is attached to each these references, which are enclosed, to satisfy the requirement for a concise explanation of relevance.

Taiwan publication Nos. 559085 Y and 283956 Y are not in the English language. Therefore, in compliance with 37 C.F.R. § 1.98(a)(3)(i), any information disclosure statement filed under 37 C.F.R. § 1.97 shall include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information, of each patent, publication or other information listed that is not in the English language. The concise explanation may be either separate from the specification or incorporated therein.

The concise explanations for the above-referenced Taiwan publications are as follows:

Taiwan publication No. 559085 Y appears to depict in FIG. 3, in part, a treadmill with a roller coupled at one end of a bed frame.

Taiwan publication No. 283956 Y appears to depict in FIG. 2, in part, a treadmill with a roller coupled to one end of a bed frame.

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), the Examiner is requested to consider the following application owned by Assignee, Nautilus, Inc., of the present application and that may include subject matter similar to that of the present application:

(1) U.S. application No. 11/463,297, filed August 8, 2006 (Atty. Docket No. 1479/US/2) pending.

This Information Disclosure Statement is filed concurrently with the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. Accordingly, pursuant to 37 C.F.R. § 1.97(b)(4), no fees are due with respect to this filing. However, should any fees be deemed necessary, such fees may be charged to Deposit Account No. 04-1415.

Application No. 10/039,070
Attorney Docket No. 1479/US (Formerly 11045.00)

If the Examiner has any questions, please contact the undersigned.

Dated: November 27, 2006.

Respectfully submitted,



Lee R. Osman, Reg. No. 38,206
DORSEY & WHITNEY, LLP
370 Seventeenth Street, Suite 4700
Denver, CO 80202-5647
Tel: (303) 629-3400
Fax: (303) 629-3450

USPTO Customer No.: 20686

Enclosures

PTO/SB/08A (08-03) U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>	APPLICATION NO.: 10/039,070	FILING DATE: December 31, 2001
	INVENTOR(S): Richard W. Trevino et al.	ART UNIT: 3764
	EXAMINER NAME: Richman, Glenn E.	ATTY. DOCKET NO.: 1479/US (Formerly 11045.00)

U.S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	PATENT NUMBER	ISSUE DATE	Name of Patentee of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)	MM-DD-YYYY		
		4,660,247	04/28/1987	Frohbieter et al.	
		5,476,430	12/19/1995	Lee et al.	
		5,518,471	05/21/1996	Hettinger et al.	
		6,572,512 B2	06/03/2003	Anderson et al.	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	DOCUMENT NUMBER	PUBLICATION DATE	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	MM-DD-YYYY			
		DE 40 03 871 A1	08/14/1991	Mueck, P.		
		DE 41 00 066 A1	09/05/1991	Precor Inc.		
		DE 43 37 874 A1	05/11/1994	Precor Inc.		
		TW 559085 Y	10/21/2003	Johnson Health Tech Co. Ltd.		
		TW 283956 Y	08/21/1996			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	Include name of Author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
EXAMINER			DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.